

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

NAIR et al

Serial No. 09/875,264

Filed: June 7, 2001

For: METHODS FOR TREATING CANCERS AND PATHOGEN  
INFECTIONS USING ANTIGEN-PRESENTING CELLS  
LOADED WITH RNA



Atty. Ref.: 1579-579  
Confirmation No. 5191

Group: 1632

Examiner: Wilson, M.

**RECEIVED**  
FEB 10 2004  
TECH CENTER 1600/2900

\* \* \* \* \*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

February 3, 2004

Sir:

**INFORMATION DISCLOSURE STATEMENT**

- ☐ 1. **PTO-1449 Pursuant to 37 CFR 1.97(b)**  
[within 3 months of filing or prior to 1st Office Action on the merits]  
N/C
- ☐ 2.(a) **Statement Pursuant to 37 CFR 1.97(c)**  
[before Final Office Action or Allowance (requires Rule 97(e)  
Statement or Rule 17(p) fee)]  
N/C
- ☒ 2.(b) **Fee Payment Pursuant to 37 CFR 1.97(c)**  
[before Final Office Action or Allowance (requires Rule 97(e)  
Statement or Rule 17(p) fee)]  
\$180.00
- ☐ 3. **Pursuant to 37 CFR 1.97(d)**  
[after Final Office Action or Allowance (requires Rule 97(e)  
Statement and Rule 17(p) fee), but before final fee payment]  
\$180.00

02/06/2004 BSAVASI1 00000092 09875264

01 FC:1806

180.00 0P

The following are submitted in the above-identified application in compliance with  
37 C.F.R. §§ 1.97 and 1.98:

- ☒ 4. A list of documents on Form PTO-1449 together with copies of each identified document and a translation or a concise explanation of each non-English language document (such as a Search Report) is enclosed herewith.

This paper is submitted in accordance with:

- ☐ 5. 37 CFR 1.97(b): [within 3 months of filing or prior to 1st Office Action]
- ☒ 6. 37 CFR 1.97(c): [before Final Office Action or Allowance, whichever is earlier];  
and
- ☐ a) The required Statement made in item 8 below; or
- ☒ b) The \$180.00 fee specified in 37 CFR §1.17(p) for submission of this Information Disclosure Statement is authorized in item 9 below.
- ☐ 7. 37 CFR §1.97(d): [after Final Office Action or Allowance (requires Rule 97(e) Statement and Rule 17(p) fee), but before final fee payment]; and
- ☐ a) The fee (\$180.00) required by 37 CFR §1.17(p) is submitted herewith;  
and
- ☐ b) The required Statement is stated in item 8 below.
- ☐ 8. Statement under 37 CFR 1.97(e)
- ☐ a) The undersigned attorney of record hereby certifies under 37 C.F.R. §1.97(e) that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement (each item contained in this IDS was the first citation of that item by a foreign patent office in a counterpart foreign application which occurred no more than three months prior to the filing of this IDS); or

- ☐ b) No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement, after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
- ☒ 9. Please charge all deficiency fees associated with the submission of this Information Disclosure Statement and any other fees applicable to this application to Deposit Account No. 14-1140. An original and one (1) copy of this document are enclosed.

The Examiner's attention is directed to the existence of co-pending Application No. 09/171,916 (a 371 of WO 97/41210 (of record)). Terminal Disclaimers over USP 5,853,719 and USP 6,306,388 have been submitted in Application No. 09/171,916 and claims 1-9, 13-15, 17-18, 25-27 and 29-41 stand rejected as representing obviousness-type double patenting over claims 1-17, 19 and 27-38 of Application No. 09/875,264. A copy of the claims of Appln. No. 09/171,916 is attached.

Respectfully submitted,  
NIXON & VANDERHYE P.C.

By: Mary J. Wilson  
Mary J. Wilson  
Reg. No. 32,955

1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100

ATTY. DOCKET NO.

1579-579

**APPLICANT**

NAIR et al

FILING DATE

June 7, 2001

SERIAL NO.

09/875,264

**GROUP**

1632

(Use several sheets if necessary)

## U.S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

[illegible]

**OTHER DOCUMENTS** (including Author, Title, Date, Pertinent pages, etc.)

[illegible]

\*Examiner

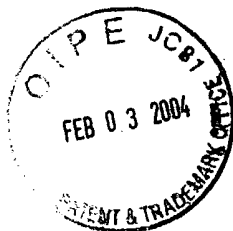
Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.

Form PTO-FB-A820 (Also PTO-1449)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of  
NAIR et al



Atty. Ref.: 1579-579  
Confirmation No. 5191

Serial No. 09/875,264

Group: 1632

Filed: June 7, 2001

Examiner: Wilson, M.

For: METHODS FOR TREATING CANCERS AND PATHOGEN  
INFECTIONS USING ANTIGEN-PRESENTING CELLS  
LOADED WITH RNA

\* \* \* \* \*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

February 3, 2004

Sir:

**INFORMATION DISCLOSURE STATEMENT**

- ☐ 1. **PTO-1449 Pursuant to 37 CFR 1.97(b)**  
[within 3 months of filing or prior to 1st Office Action on the merits]  
N/C
- ☐ 2.(a) **Statement Pursuant to 37 CFR 1.97(c)**  
[before Final Office Action or Allowance (requires Rule 97(e)  
Statement or Rule 17(p) fee)]  
N/C
- ☒ 2.(b) **Fee Payment Pursuant to 37 CFR 1.97(c)**  
[before Final Office Action or Allowance (requires Rule 97(e)  
Statement or Rule 17(p) fee)]  
\$180.00
- ☐ 3. **Pursuant to 37 CFR 1.97(d)**  
[after Final Office Action or Allowance (requires Rule 97(e)  
Statement and Rule 17(p) fee), but before final fee payment]  
\$180.00

The following are submitted in the above-identified application in compliance with  
37 C.F.R. §§ 1.97 and 1.98:

- ☒ 4. A list of documents on Form PTO-1449 together with copies of each identified document and a translation or a concise explanation of each non-English language document (such as a Search Report) is enclosed herewith.

This paper is submitted in accordance with:

- ☐ 5. 37 CFR 1.97(b): [within 3 months of filing or prior to 1st Office Action]
- ☒ 6. 37 CFR 1.97(c): [before Final Office Action or Allowance, whichever is earlier]; and
- ☐ a) The required Statement made in item 8 below; or
- ☒ b) The \$180.00 fee specified in 37 CFR §1.17(p) for submission of this Information Disclosure Statement is authorized in item 9 below.
- ☐ 7. 37 CFR §1.97(d): [after Final Office Action or Allowance (requires Rule 97(e) Statement and Rule 17(p) fee), but before final fee payment]; and
- ☐ a) The fee (\$180.00) required by 37 CFR §1.17(p) is submitted herewith; and
- ☐ b) The required Statement is stated in item 8 below.
- ☐ 8. Statement under 37 CFR 1.97(e)
- ☐ a) The undersigned attorney of record hereby certifies under 37 C.F.R. §1.97(e) that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement (each item contained in this IDS was the first citation of that item by a foreign patent office in a counterpart foreign application which occurred no more than three months prior to the filing of this IDS); or

- ☐ b) No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement, after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
- ☒ 9. Please charge all deficiency fees associated with the submission of this Information Disclosure Statement and any other fees applicable to this application to Deposit Account No. 14-1140. An original and one (1) copy of this document are enclosed.

The Examiner's attention is directed to the existence of co-pending Application No. 09/171,916 (a 371 of WO 97/41210 (of record)). Terminal Disclaimers over USP 5,853,719 and USP 6,306,388 have been submitted in Application No. 09/171,916 and claims 1-9, 13-15, 17-18, 25-27 and 29-41 stand rejected as representing obviousness-type double patenting over claims 1-17, 19 and 27-38 of Application No. 09/875,264. A copy of the claims of Appln. No. 09/171,916 is attached.

Respectfully submitted,  
NIXON & VANDERHYE P.C.

By: Mary J. Wilson  
Mary J. Wilson  
Reg. No. 32,955

1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100

## INFORMATION DISCLOSURE CITATION

ATTY. DOCKET NO.

1579-579

APPLICANT

NAIR et al

FILING DATE

June 7, 2001

SERIAL NO.

09/875,264

**GROUP**

1632

## U.S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

[illegible]

**OTHER DOCUMENTS** (including Author, Title, Date, Pertinent pages, etc.)

[illegible]

\*Examiner

Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.

Form PTO-FB-A820 (Also PTO-1449)